

OCA 87-3754

OFFICE OF CONGRESSIONAL AFFAIRS

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1. D/OCA		
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SUBJECT: Proposal to Amend Current Retirement Legislation Applicable to Certain CIA Employees Covered Under the Civil Service Retirement System (CSRS) Who Are Subsequently Designated By the DCI As Eligible For CIARDS Participation

I. Current Transfer Provisions

The Federal Employees Retirement System (FERS) Act of 1986 provided employees not automatically covered under FERS the opportunity to make a one-time and irrevocable election to transfer from CSRS (and CIARDS) to the new system.

Employees currently in service may make this election from 1 July through 31 December 1987. Employees who return to service after 30 June 1987 and are covered under CSRS or CIARDS have six months from the date of reemployment to make their election.

II. Potential Inequities Under Current Rules

The establishment of the "one time" transfer election provisions for CSRS and CIARDS employees was based on the generally applicable fact that in the Federal Government at-large, the transfer possibilities consist of an option limited to a one-time move to a single and specifically designated new system (e.g. CSRS to FERS and CIARDS to FERS Special Category).

Because of the significant consequences of the employee transfer decision, the legislation also provides for a generous open season period to permit employees sufficient time to avail themselves of official guidance and information so as to arrive at a judgment based on full knowledge of the comparative attributes of the old and new systems.

The irrevocability of the current one time election option prescribed under current statutes has created a potentially inequitable situation, uniquely found only within the CIA, applicable to certain Agency employees covered by CSRS. Specifically, certain of those Agency employees who during the initial election period choose to remain under CSRS after due consideration of FERS, will be subsequently designated by the DCI as eligible for participation in CIARDS.

Since these individuals, having made an election on the basis of one set of options appropriate at that time, are subsequently eligible for

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designation in a system (CIARDS) substantially different from CSRS, it would be equitable and appropriate that such employees be provided the option to elect to transfer to FERS Special Category status after their designation to CIARDS.

III. Recommendation

Recommend that legislative amendments be developed as appropriate to current retirement legislation (e.g. CSRS, FERS and/or CIARDS) and sponsored to:

provide those CIA employees who may have elected to remain in the CSRS during the initial open season but who are subsequently designated by the DCI as CIARDS participants, the option within a period of 90 days from date of such designation to elect to transfer to FERS Special Category status.